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April 1, 2013

By Email to: "AbramsNYSDChambers@nysd.uscourts.gov"

Honorable Ronnie Abrams
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Honorable Ronald L. Ellis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Urtubia v. BA Victory Corp. et al., Case No. 11-cv-2901 (RA) (RLE)

May It Please the Court:

I represent defendants BA Victory Corp. and Ismael Alba (collectively, the "Defendants") in the above-referenced action.

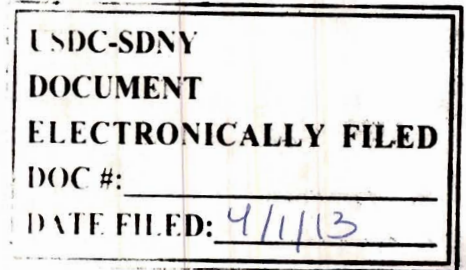
I submit this letter in opposition to request made by plaintiffs' counsel, Ms. Jeanne Christensen, to extend the time to file a dispositive motion¹.

Plaintiffs present no compelling reason to amend the Court's order to permit plaintiffs' additional time to file a motion for summary judgment.

The Pre-Trial Scheduling Order (the "Scheduling Order") (Dkt. # 17) required dispositive motions to be filed on or before March 23, 2012. All "other" motions, per the Scheduling Order, are to be filed 30 days after the close of discovery, unless "good cause" has been shown.

Plaintiffs not only fail to show good cause but the request for an extension of the terms of the Scheduling Order is more than a year late.

¹ Made in a March 28, 2013 letter (the "Letter").



Plaintiffs proffer no excuse for their untimely request. Plaintiffs inform the Court that they sought the deposition of third party Walter Stefano – represented to the Court as an essential component of plaintiffs’ case – but now wish to abandon efforts to depose Mr. Stefano and seek summary judgment. Plaintiffs’ tactical decision to pursue Mr. Stefano at the cost of abandoning the Scheduling Order is not a “good reason” to alter the Scheduling Order.

Based on the foregoing, Defendants’ respectfully request that the Court deny plaintiffs’ request for additional time to seek summary judgment.

Respectfully submitted

Gleason & Koatz, LLP

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